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Attorneys for Defendants
ANABEL Z. ROMERO, Court Executive
Officer of the Superior Court of California,
County of San Bernardino; and DAVID W.
SLAYTON, Court Executive Officer of the
Superior Court of California, County of Los
Angeles

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LEVI LESCHES,

Plaintiff,

v.

ANABEL ROMERO, et al.,

Defendants.

Case No. 5:24-cv-00524 KK-SP
Judge: Hon. Kenly Kiya Kato

ANSWER TO COMPLAINT

Complaint Filed: March 11, 2024

BEST BEST & KRIEGER LLP
ATTORNEYS AT LAW
655 WEST BROADWAY, 15TH FLOOR
SAN DIEGO, CALIFORNIA 92101

1 Defendants Anabel Z. Romero (“Romero”), Court Executive Officer of the
2 Superior Court of California, County of San Bernardino, and David W. Slayton
3 (“Slayton”), Court Executive Officer of the Superior Court of California, County of
4 Los Angeles (collectively, “Defendants”) hereby answer the Complaint filed by
5 Plaintiff Levi Lesches as follows:

6 1. In answer to paragraph 1, Defendants are without sufficient knowledge
7 or information to form a belief as to the truth of the allegations contained therein and,
8 on that basis, deny the allegations contained therein.

9 2. In answer to paragraph 2, Defendants admit that Romero is the Court
10 Executive Officer of the Superior Court of California, County of San Bernardino, and
11 that the contents of California Government Code § 71620 and California Rules of
12 Court, rule 10.610 are set forth therein, respectively. Except as expressly admitted,
13 Defendants deny the allegations contained therein.

14 3. In answer to paragraph 3, Defendants admit that that the contents of
15 California Government Code §§ 69845 through 69846.5 and 71620(b) are set forth
16 therein, respectively. Except as expressly admitted, Defendants deny the allegations
17 contained therein.

18 4. In answer to paragraph 4, Defendants admit that Slayton is the Executive
19 Officer/Clerk of Court of the Superior Court of California, County of Los Angeles,
20 and that the contents of California Government Code §§ 69840 and 71620 and
21 California Rules of Court, rule 10.610 are set forth therein, respectively. Except as
22 expressly admitted, Defendants deny the allegations contained therein.

23 5. In answer to paragraph 5, Defendants admit that that the contents of
24 California Government Code §§ 69845 through 69846.5 and 71620(b) are set forth
25 therein, respectively. Except as expressly admitted, Defendants deny the allegations
26 contained therein.

27 6. In answer to paragraph 6, Defendants admit that this Court has subject
28 matter jurisdiction over this matter under 28 U.S.C. § 1331. Except as expressly

1 admitted, Defendants deny the allegations contained therein.

2 7. In answer to paragraph 7, Defendants admit that venue is proper in this
3 Court. Except as expressly admitted, Defendants deny the allegations contained
4 therein.

5 8. In answer to paragraph 8, Defendants admit that this Court has personal
6 jurisdiction over them in this action. Except as expressly admitted, Defendants deny
7 the allegations contained therein.

8 9. In answer to paragraph 9, Defendants admit that this action concerns the
9 electronic filing procedures of the Superior Court of California, County of San
10 Bernardino and the Superior Court of California, County of Los Angeles. Except as
11 expressly admitted, Defendants deny the allegations contained therein.

12 10. In answer to paragraph 10, Defendants deny the allegations contained
13 therein.

14 11. In answer to paragraph 11, Defendants deny the allegations contained
15 therein.

16 12. In answer to paragraph 12, Defendants deny the allegations contained
17 therein.

18 13. In answer to paragraph 13, Defendants admit that that the contents of
19 California Code of Civil Procedure §§ 411.20 and 411.21 are set forth therein,
20 respectively. Except as expressly admitted, Defendants deny the allegations
21 contained therein.

22 14. In answer to paragraph 14, Defendants admit that that the contents of
23 California Code of Civil Procedure §§ 411.20 and 411.21 are set forth therein,
24 respectively. Except as expressly admitted, Defendants deny the allegations
25 contained therein.

26 15. In answer to paragraph 15, Defendants admit that that the contents of
27 California Code of Civil Procedure §§ 411.20 and 411.21 are set forth therein,
28 respectively. Except as expressly admitted, Defendants deny the allegations

1 contained therein.

2 16. In answer to paragraph 16, Defendants admit that that the contents of
3 California Code of Civil Procedure § 411.20.5 are set forth therein. Except as
4 expressly admitted, Defendants deny the allegations contained therein.

5 17. In answer to paragraph 17, Defendants admit that that the contents of
6 California Code of Civil Procedure § 411.20.5 are set forth therein. Except as
7 expressly admitted, Defendants deny the allegations contained therein.

8 18. In answer to paragraph 18, Defendants deny the allegations contained
9 therein.

10 19. In answer to paragraph 19, Defendants admit that the Complaint seeks
11 declaratory relief under 22 U.S.C. § 2201 and injunctive relief under 42 U.S.C. §
12 1983. Except as expressly admitted, Defendants deny the allegations contained
13 therein.

14 20. In answer to paragraph 20, Defendants are without sufficient knowledge
15 or information to form a belief as to the truth of the allegations contained therein and,
16 on that basis, deny the allegations contained therein.

17 21. In answer to paragraph 21, Defendants are without sufficient knowledge
18 or information to form a belief as to the truth of the allegations contained therein and,
19 on that basis, deny the allegations contained therein.

20 22. In answer to paragraph 22, Defendants are without sufficient knowledge
21 or information to form a belief as to the truth of the allegations contained therein and,
22 on that basis, deny the allegations contained therein.

23 23. In answer to paragraph 23, Defendants admit that Plaintiff is a licensed
24 California attorney that has practiced before the Superior Court of California, County
25 of San Bernardino and the Superior Court of California, County of Los Angeles.
26 Except as expressly admitted, Defendants deny the allegations contained therein.

27 24. In answer to paragraph 24, Defendants are without sufficient knowledge
28 or information to form a belief as to the truth of the allegations contained therein and,

1 on that basis, deny the allegations contained therein.

2 25. In answer to paragraph 25, Defendants are without sufficient knowledge
3 or information to form a belief as to the truth of the allegations contained therein and,
4 on that basis, deny the allegations contained therein.

5 26. In answer to paragraph 26, Defendants are without sufficient knowledge
6 or information to form a belief as to the truth of the allegations contained therein and,
7 on that basis, deny the allegations contained therein.

8 27. In answer to paragraph 27, Defendants admit that that the contents of
9 California Code of Civil Procedure §§ 411.20 and 411.21 are set forth therein,
10 respectively. Except as expressly admitted, Defendants deny the allegations
11 contained therein.

12 28. In answer to paragraph 28, Defendants admit that that the contents and
13 holding in *Duran v. St. Luke's Hosp.*, 114 Cal. App. 4th 457 (Ct. App. 2003) are set
14 forth therein. Except as expressly admitted, Defendants deny the allegations
15 contained therein.

16 29. In answer to paragraph 29, Defendants admit that that the contents of
17 California Code of Civil Procedure §§ 411.20 and 411.21 are set forth therein,
18 respectively. Except as expressly admitted, Defendants deny the allegations
19 contained therein.

20 30. In answer to paragraph 30, Defendants admit that that the contents of
21 California Code of Civil Procedure §§ 411.20 and 411.21 are set forth therein,
22 respectively. Except as expressly admitted, Defendants deny the allegations
23 contained therein.

24 31. In answer to paragraph 31, Defendants admit that that the contents of
25 California Code of Civil Procedure §§ 411.20 and 411.21 are set forth therein,
26 respectively. Except as expressly admitted, Defendants deny the allegations
27 contained therein.

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1 32. In answer to paragraph 32, Defendants admit that that the contents of
2 California Rules of Court, rule 2.254(a) are set forth therein. Except as expressly
3 admitted, Defendants deny the allegations contained therein.

4 33. In answer to paragraph 33, Defendants admit that the contents of the
5 files of the Superior Court of California, County of Los Angeles for the matter of *In*
6 *re Audrey Haskell Family Trust 2001*, Case No. 19STPB06779, are set forth therein.
7 Except as expressly admitted, Defendants deny the allegations contained therein.

8 34. In answer to paragraph 34, Defendants are without sufficient knowledge
9 or information to form a belief as to the truth of the allegations contained therein and,
10 on that basis, deny the allegations contained therein.

11 35. In answer to paragraph 35, Defendants admit that the contents of the
12 files of the Superior Court of California, County of Los Angeles for the matter of *In*
13 *re Audrey Haskell Family Trust 2001*, Case No. 19STPB06779, are set forth therein.
14 Except as expressly admitted, Defendants deny the allegations contained therein.

15 36. In answer to paragraph 36, Defendants are without sufficient knowledge
16 or information to form a belief as to the truth of the allegations contained therein and,
17 on that basis, deny the allegations contained therein.

18 37. In answer to paragraph 37, Defendants admit that that the contents of
19 California Government Code § 70617(b)(1) are set forth therein. Except as expressly
20 admitted, Defendants deny the allegations contained therein.

21 38. In answer to paragraph 38, Defendants admit that that the contents of
22 the Superior Court of California, County of Los Angeles Civil Fee Schedule, which
23 is available at <https://www.lacourt.org/forms/pdf/fees/fee-schedule-2021.pdf>, are set
24 forth therein, and that the contents of California Government Code § 70603(a) are set
25 forth therein. Except as expressly admitted, Defendants deny the allegations
26 contained therein.

27 39. In answer to paragraph 39, Defendants are without sufficient knowledge
28 or information to form a belief as to the truth of the allegations contained therein and,

1 on that basis, deny the allegations contained therein.

2 40. In answer to paragraph 40, Defendants admit that that the contents of
3 California Government Code § 6159(h)(2) are set forth therein. Except as expressly
4 admitted, Defendants deny the allegations contained therein.

5 41. In answer to paragraph 41, Defendants are without sufficient knowledge
6 or information to form a belief as to the truth of the allegations contained therein and,
7 on that basis, deny the allegations contained therein.

8 42. In answer to paragraph 42, Defendants are without sufficient knowledge
9 or information to form a belief as to the truth of the allegations contained therein and,
10 on that basis, deny the allegations contained therein.

11 43. In answer to paragraph 43, Defendants admit that that the contents of
12 California Government Code § 6159(h)(2) are set forth therein. Except as expressly
13 admitted, Defendants deny the allegations contained therein.

14 44. In answer to paragraph 44, Defendants deny the allegations contained
15 therein.

16 45. In answer to paragraph 45, Defendants admit that that the contents of
17 California Government Code § 71386 and California Rules of Court, rule 2.254(a)
18 are set forth therein, respectively. Except as expressly admitted, Defendants deny the
19 allegations contained therein.

20 46. In answer to paragraph 46, Defendants admit that that the contents of
21 correspondence between Plaintiff and Sherri R. Carter, former Executive
22 Officer/Clerk of Court of the Superior Court of California, County of Los Angeles,
23 are set forth therein. Except as expressly admitted, Defendants deny the allegations
24 contained therein.

25 47. In answer to paragraph 47, Defendants deny the allegations contained
26 therein.

27 48. In answer to paragraph 48, Defendants are without sufficient knowledge
28 or information to form a belief as to the truth of the allegations contained therein and,

1 on that basis, deny the allegations contained therein.

2 49. In answer to paragraph 49, Defendants admit that the contents of the
3 files of the Superior Court of California, County of San Bernardino for the matter of
4 *All-Ways Pacific LLC, et al. v. Saadia Group LLP*, Case No. CIVSB2305236, are set
5 forth therein. Except as expressly admitted, Defendants deny the allegations
6 contained therein.

7 50. In answer to paragraph 50, Defendants admit that the contents of the
8 files of the Superior Court of California, County of San Bernardino for the matter of
9 *All-Ways Pacific LLC, et al. v. Saadia Group LLP*, Case No. CIVSB2305236, are set
10 forth therein. Except as expressly admitted, Defendants deny the allegations
11 contained therein.

12 51. In answer to paragraph 51, Defendants are without sufficient knowledge
13 or information to form a belief as to the truth of the allegations contained therein and,
14 on that basis, deny the allegations contained therein.

15 52. In answer to paragraph 52, Defendants are without sufficient knowledge
16 or information to form a belief as to the truth of the allegations contained therein and,
17 on that basis, deny the allegations contained therein.

18 53. In answer to paragraph 53, Defendants admit that that the contents of
19 the Superior Court of California Statewide Civil Fee Schedule, which is available at
20 <https://www.sb-court.org/sites/default/files/Divisions/Civil/feeSched.pdf> are set
21 forth therein. Except as expressly admitted, Defendants deny the allegations
22 contained therein.

23 54. In answer to paragraph 54, Defendants admit that the contents of the
24 files of the Superior Court of California, County of San Bernardino for the matter of
25 *All-Ways Pacific LLC, et al. v. Saadia Group LLP*, Case No. CIVSB2305236, are set
26 forth therein. Except as expressly admitted, Defendants deny the allegations
27 contained therein.

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1 55. In answer to paragraph 55, Defendants admit that that the contents of
2 California Rules of Court, rule 2.254(a) are set forth therein. Except as expressly
3 admitted, Defendants deny the allegations contained therein.

4 56. In answer to paragraph 56, Defendants re-allege and incorporate by
5 reference herein their responses to paragraphs 1 through 55 above.

6 57. In answer to paragraph 57, Defendants admit that the Complaint seeks
7 declaratory relief under 22 U.S.C. § 2201. Except as expressly admitted, Defendants
8 deny the allegations contained therein.

9 58. In answer to paragraph 58, Defendants deny the allegations contained
10 therein.

11 59. In answer to paragraph 59, Defendants deny the allegations contained
12 therein.

13 60. In answer to paragraph 60, Defendants deny the allegations contained
14 therein.

15 61. In answer to paragraph 61, Defendants are without sufficient knowledge
16 or information to form a belief as to the truth of the allegations contained therein and,
17 on that basis, deny the allegations contained therein.

18 62. In answer to paragraph 62, Defendants are without sufficient knowledge
19 or information to form a belief as to the truth of the allegations contained therein and,
20 on that basis, deny the allegations contained therein.

21 63. In answer to paragraph 63, Defendants are without sufficient knowledge
22 or information to form a belief as to the truth of the allegations contained therein and,
23 on that basis, deny the allegations contained therein.

24 64. In answer to paragraph 64, Defendants are without sufficient knowledge
25 or information to form a belief as to the truth of the allegations contained therein and,
26 on that basis, deny the allegations contained therein.

27 65. In answer to paragraph 65, Defendants admit that the Complaint seeks
28 declaratory relief under 22 U.S.C. § 2201. Except as expressly admitted, Defendants

1 deny the allegations contained therein.

2 66. In answer to paragraph 66, Defendants admit that the Complaint seeks
3 declaratory relief under 22 U.S.C. § 2201. Except as expressly admitted, Defendants
4 deny the allegations contained therein.

5 67. In answer to paragraph 67, Defendants re-allege and incorporate by
6 reference herein their responses to paragraphs 1 through 66 above.

7 68. In answer to paragraph 68, Defendants admit that the Complaint seeks
8 injunctive relief under 42 U.S.C. § 1983. Except as expressly admitted, Defendants
9 deny the allegations contained therein.

10 69. In answer to paragraph 69, Defendants re-allege and incorporate by
11 reference herein their responses to paragraphs 1 through 68 above.

12 70. In answer to paragraph 70, Defendants admit that the Complaint seeks
13 declaratory relief under 22 U.S.C. § 2201. Except as expressly admitted, Defendants
14 deny the allegations contained therein.

15 71. In answer to paragraph 71, Defendants are without sufficient knowledge
16 or information to form a belief as to the truth of the allegations contained therein and,
17 on that basis, deny the allegations contained therein.

18 72. In answer to paragraph 72, Defendants re-allege and incorporate by
19 reference herein their responses to paragraphs 1 through 71 above.

20 73. In answer to paragraph 73, Defendants admit that the Complaint seeks
21 injunctive relief under 42 U.S.C. § 1983. Except as expressly admitted, Defendants
22 deny the allegations contained therein.

23 74. In answer to paragraph 74, Defendants re-allege and incorporate by
24 reference herein their responses to paragraphs 1 through 73 above.

25 75. In answer to paragraph 75, Defendants admit that the Complaint seeks
26 declaratory relief under 22 U.S.C. § 2201. Except as expressly admitted, Defendants
27 deny the allegations contained therein.

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1 76. In answer to paragraph 76, Defendants are without sufficient knowledge
2 or information to form a belief as to the truth of the allegations contained therein and,
3 on that basis, deny the allegations contained therein.

4 77. In answer to paragraph 77, Defendants re-allege and incorporate by
5 reference herein their responses to paragraphs 1 through 76 above.

6 78. In answer to paragraph 78, Defendants admit that the Complaint seeks
7 injunctive relief under 42 U.S.C. § 1983. Except as expressly admitted, Defendants
8 deny the allegations contained therein.

9 **AFFIRMATIVE DEFENSES**

10 **FIRST AFFIRMATIVE DEFENSE**

11 **(Failure to State a Claim)**

12 As a first and separate affirmative defense, the Complaint fails to state a claim
13 upon which relief can be granted against Defendants.

14 **SECOND AFFIRMATIVE DEFENSE**

15 **(Mootness)**

16 As a second and separate affirmative defense, the Complaint is moot in light
17 of the adoption of General Order #GO24-029, General Order of the Presiding Judge
18 of the Superior Court of California, County of San Bernardino, *In re: Rejection of*
19 *Document Submitted for Electronic Filing Due to Deficiency of Required Fees.*

20 **THIRD AFFIRMATIVE DEFENSE**

21 **(Quasi-Judicial and Legislative Immunity)**

22 As a third and separate affirmative defense, Defendants are absolutely immune
23 from liability under the doctrines of quasi-judicial and/or legislative immunity.

24 **FOURTH AFFIRMATIVE DEFENSE**

25 **(Rooker-Feldman Doctrine)**

26 As a fourth and separate affirmative defense, the Complaint and all claims
27 therein are barred by the *Rooker-Feldman* doctrine.
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FIFTH AFFIRMATIVE DEFENSE

(Eleventh Amendment Immunity)

As a fifth and separate affirmative defense, the Complaint and all claims therein are barred by the Eleventh Amendment.

SIXTH AFFIRMATIVE DEFENSE

(Act or Omission of Plaintiff)

As a sixth and separate affirmative defense, to the extent Plaintiff has suffered any damages as a result of the acts and/or omissions alleged in the Complaint, which Defendants deny, such damages were caused by the acts and/or omissions of Plaintiff.

SEVENTH AFFIRMATIVE DEFENSE

(Equitable Estoppel)

As a seventh and separate affirmative defense, the Complaint is barred by reason of acts, omissions, representations and courses of conduct by Plaintiff by which Defendants was led to rely to their detriment, thereby barring under the doctrine of equitable estoppel Plaintiff's asserted claims.

EIGHTH AFFIRMATIVE DEFENSE

(Waiver)

As an eighth and separate affirmative defense, the Complaint is barred by the doctrine of waiver.

NINTH AFFIRMATIVE DEFENSE

(Statute of Limitations)

As a ninth and separate affirmative defense, the Complaint is barred by the applicable statute of limitations.

TENTH AFFIRMATIVE DEFENSE

(Lack of Standing to Obtain Equitable Relief)

As a tenth and separate affirmative defense, Plaintiff lacks standing to obtain equitable relief against Defendants, as declaratory relief is unavailable to establish

liability for past conduct and there is no serious risk of future harm to Plaintiff to support injunctive relief.

ELEVENTH AFFIRMATIVE DEFENSE

(Act of Omission of Third Parties)

As an eleventh and separate affirmative defense, any damages Plaintiff may have sustained were the result, in whole or in part, of conduct by other parties for whom Defendants are not legally responsible.

TWELFTH AFFIRMATIVE DEFENSE

(Consent)

As a twentieth and separate affirmative defense, the Complaint is barred because Plaintiff consented to the conduct of Defendants.

WHEREFORE, Defendants pray as follows:

1. That Plaintiff take nothing by reason of the Complaint;
2. That Defendants take judgment against Plaintiff;
3. That Defendants recover the costs of suit incurred herein; and
4. For such other and further relief as the Court deems proper.

Dated: October 25, 2024

BEST BEST & KRIEGER LLP

By: /s/ Matthew L. Green

MATTHEW L. GREEN
Attorneys for Defendants
ANABEL Z. ROMERO, Court
Executive Officer of the Superior
Court of California, County of San
Bernardino; and DAVID W.
SLAYTON, Court Executive
Officer of the Superior Court of
California, County of Los Angeles

1 Levi Lesches v. Anabel Z. Romero; David W. Slayton
2 United States District Court, Central District of California,
3 Eastern Division, Case No. 24-cv-00524 KK (SPx)

4 **PROOF OF SERVICE**

5 I, Lisa Atwood, declare:

6 I am a citizen of the United States and employed in San Diego County, California.
7 I am over the age of eighteen years and not a party to the within-entitled action. My
8 business address is 655 West Broadway, 15th Floor, San Diego, California 92101. On
9 October 25, 2024, I served a copy of the within document(s):

10 **ANSWER TO COMPLAINT**



13 **By Electronic Service.** Pursuant to CM/ECF System, registration as a
14 CM/ECF user constitutes consent to electronic service through the Court's
15 transmission facilities. The Court's CM/ECF system sends an e-mail
16 notification of the filing to the parties and counsel of record who are
17 registered with the Court's EC/ECF system.

18 I declare that I am employed in the office of a member of the bar of this court at
19 whose direction the service was made.

20 Executed on October 25, 2024, at San Diego, California.

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Lisa Atwood